

Appl. No. : **10/789,892**
Filed : **February 26, 2004**

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to the drawing sheets for Figures 1 through 9. With respect to Figure 1, Applicant removed the reference number 37 which is not found in the specification. On Figure 2, Applicant added reference number 22 which is referred to at paragraph [0023]. With respect to Figure 3, Applicant added reference numbers 14, 39, and 40, and replaced reference number 14 with reference number 33. Reference numbers 39 and 40 are referred to at paragraph [0030]. On Figure 4, Applicant moved reference number 25, removed reference numbers 34 and 36, and replaced reference number 20 with reference number 21. Reference number 34 incorrectly identified two different features. Reference number 36 is not found in the specification. With respect to Figure 6, Applicant removed reference number 203 which is not found in the specification. On Figure 9, Applicant replaced reference number 25 with reference number 33.

Attachment: Replacement sheets

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REMARKS

Claims 1 through 34 stand rejected. Claims 35 through 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claim. By this paper, Claims 35, 36, and 37 have been substantially rewritten as new Claims 38, 39, and 40, respectively. Applicant also has amended Claims 1-4, 23-28, 30, 31, 34, and 35, and has cancelled Claims 12, 14, 21, 29, and 33. Applicant has further added new dependent Claims 41-48. Thus, Claims 1-11, 13, 15-20, 22-28, 30-32, and 34-48 are pending in the application and are presented for examination in view of the amendments and the following remarks. Applicant is further submitting Replacement Sheets for Figures 1 through 9.

Corrections to the Specification and Figures

A careful review of the specification and figures identified inconsistencies between the figures and specification. Applicant has submitted replacement sections that correct these inconsistencies and Replacement Sheets for Figures 1 through 9.

With respect to Figure 1, Applicant removed the reference number 37 which is not found in the specification. On Figure 2, Applicant added reference number 22 which is referred to at paragraph [0023]. With respect to Figure 3, Applicant added reference numbers 14, 39, and 40, and replaced reference number 14 with reference number 33. Reference numbers 39 and 40 are referred to at paragraph [0030]. On Figure 4, Applicant moved reference number 25, removed reference numbers 34 and 36, and replaced reference number 20 with reference number 21. Reference number 34 incorrectly identified two different features. Reference number 36 is not found in the specification. With respect to Figure 6, Applicant removed reference number 203 which is not found in the specification. On Figure 9, Applicant replaced reference number 25 with reference number 33. No new matter has been added due to these changes to the specification and figures. Applicant respectfully requests the entry of the amendment.

Claim Rejections under 35 U.S.C. § 112, 2nd Paragraph

Claims 1 and 28 were rejected as being “indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention” in connection with the terms “said connector” and “said ramp”, respectively. Applicant has accordingly amended

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Claims 1 and 28, and respectfully submits that Claims 1 and 28 now fully comply with the requirements of § 112.

Rejection under 35 U.S.C. § 102(b) based upon Bierman (U.S. Patent No. 5,855,591)

The Examiner rejected independent Claims 1 and 30 as being unpatentable over U.S. Patent No. 5,855,591 to Bierman.

Claim 1

Amended Claim 1 recites, *inter alia*, “at least one biasing member, at least a portion of said biasing member being disposed below said first upper support base portion and having a generally fixed base and a deflectable beam section that flexes relative to said fixed base.” At least these elements are not disclosed in Bierman.

The biasing member of Claim 1 advantageously allows a medical provider to create a pre-load on the strand before securing the strand to the base. The pre-load helps to keep the strand under tension after the strand has been secured to the base. If tension in the strand were lost, the strand may be prone to loosen over time and permit unwanted movement of the retained medical device relative to the securement device.

Claim 30

Amended Claim 30 recites, *inter alia*, “said base being comprised of a first upper support portion and a second lower support portion, said first upper support portion being elastically deformable, and said second lower support portion being secured to said pad and being harder than said first upper support portion.” At least these elements are not disclosed in Bierman.

The elastically deformable upper support portion of Claim 30 advantageously helps to maintain tension in the strand after the strand has been secured to the base. In devices having only an incompressible securement base, the securement base would not create and maintaining tension in the strand. If tension in the strand is lost, the strand may loosen over time and permit unwanted movement of the medical device relative to the securement device.

Claims 2-11, 13, 15-20, 22-28, 31-32, 34-37, and 41-48 depend directly or indirectly from one of Claims 1 and 30 and, thus, are patentable for at least the same reasons that the claims from

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which they depend are patentable over the applied art. Therefore, allowance of Claims 1-11, 13, 15-20, 22-28, 30-32, 34-37, and 41-48 is respectfully requested.

New Claims 38 through 48

Claims 35 through 37 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claim. Claims 35 through 37 have been substantially rewritten as new Claims 38 through 40, respectively. Applicant re-wrote each of Claims 38 through 40 to improve their readability and maintain consistency with their base claim and any intervening claims.

New dependent Claims 41 through 48 have been added. Support for these new claims can be found at least in paragraphs [0025], [0026], [0031], and [0042] of applicant's specification. Applicant submits that these claims are patentable for at least the reasons that Claim 30 is patentable. Consideration and allowance of new Claims 38 through 48 therefore is respectfully requested.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.


Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3/14/06

By: 
James F. Herkenhoff
Registration No. 51,241
Attorney of Record
Customer No. 20,995
(619) 235-8550

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